

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SAM CARTER, Individually and on
Behalf of All Others Similarly
Situating,

Plaintiff,

v.

EARTHLINK HOLDINGS CORP.,
JOSEPH F. EAZOR, SUSAN D.
BOWICK, KATHY S. LANE,
GARRY K. MCGUIRE, R.
GERARD SALEMME, JULIE A.
SHIMER, MARC F. STOLL, and
WALTER L. TUREK,

Defendants.

Case No. 1:17-cv-00433-LMM

STIPULATION AND ~~(PROPOSED)~~ ORDER OF DISMISSAL

Notice is hereby given that pursuant to Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure, Plaintiff voluntarily dismisses the above-titled action against Defendants as moot. This Court retains continuing jurisdiction over the parties in the Action solely for purposes of further proceedings related to the adjudication of Plaintiff's anticipated application for an award of attorneys' fees and expenses.

Dated: February 21, 2017

Respectfully submitted,

/s/ David A. Bain

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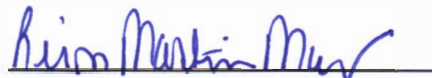
/s/ J. Timothy Mast

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SO ORDERED this 21st day of February, 2017.

A handwritten signature in blue ink, reading "Leigh Martin May", is written over a horizontal line.

LEIGH MARTIN MAY
UNITED STATES DISTRICT JUDGE